



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Ordinance No. 1856 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 13 – Public Services – by Repealing and Re-Enacting Chapter 13.04, 'Service Generally,' in **Its Entirety**"

MEETING DATE: February 1, 2012

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1856.

BACKGROUND INFORMATION: Ordinance No. 1856 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 13 – Public Services – by Repealing and Re-Enacting Chapter 13.04, 'Service Generally,' in **Its Entirety**," was introduced at the regular City Council meeting of January 18, 2012.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**
This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

R.J/jmr
Attachment

APPROVED: _____

Konradt Bartlam, City Manager

ORDINANCE NO. 1856

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE TITLE 13 – PUBLIC SERVICES – BY
REPEALING AND RE-ENACTING CHAPTER 13.04, "SERVICE
GENERALLY," IN ITS ENTIRETY

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 13 – Public Services – is hereby amended by repealing and re-enacting Chapter 13.04, "Service Generally," in its entirety and shall read as follows:

CHAPTER 13.04 – SERVICE GENERALLY

Sections:

- 13.04.010- Definitions
- 13.04.020- Application for service or discontinuance
- 13.04.025- Deposits
- 13.04.030- Bill payment and delinquency
- 13.04.040- Connections generally
- 13.04.050- Connection charges
- 13.04.060- Apartments and flats
- 13.04.070- Restriction or interruption
- 13.04.080- Connection or reconnection by plumbers
- 13.04.090- Right of access for inspection
- 13.04.100- Pipe and facility maintenance
- 13.04.110- Service only to contracted premises
- 13.04.120- Bill adjustment
- 13.04.130- Low income adjustments

13.04.010- Definitions.

For the purposes of this chapter, the following words and phrases when used in this chapter shall have the meanings respectively ascribed to them by this section:

- A. "Delinquent bills" means all accounts that have not been paid to the city within twenty-six (26) days after the issue date of the bill for the services provided for by this chapter.
- B. "Director of Finance" means the person named from time to time by the City Manager to be in charge of the financial records and accounts of the city.
- C. "Electric connection" means all wires, insulators, conduits, fuse blocks, fuses, and switches up to and including the meter used to connect the consumer's electric wiring to the city's electrical distribution system.
- D. "Garbage collecting service" means that service described in Chapter 13.16 relating to garbage.
- E. "Sanitary sewer tap" means all connections, valves, pipes, and fittings used to connect the customer's sewer system to the city sewer mains.

F. "Service" means the supplying of water, electrical energy, the collection of garbage, and the disposal of sewage.

G. "Sewage disposal service" means that service provided for in Chapter 13.12 relating to sewers.

H. "Water tap" means the connection valves, pipes, and fittings used to connect the customer's water system to the city water mains.

13.04.020 - Application for service or discontinuance

All applications for service or discontinuance of service shall be made to, and on forms provided by, the Director of Finance. The Director of Finance shall issue all orders for services, changes, or discontinuances.

13.04.025 - Deposits.

1. Services. A deposit for the furnishing or continuance of service may be required by the Director of Finance. Such deposit shall not exceed the estimated amount of charges for two months' service.

2. No United States Issued Identification. In addition to a deposit for services, the Director of Finance may require a deposit not to exceed the estimated amount of charges for two months' services of a customer who is unable to provide a United States issued identification.

3. Length of Deposit

- a. Deposits for services shall remain on the account until twelve consecutive billing periods have passed without late charges being assessed, unless the account is discontinued prior to such event. Return of deposit amounts shall be in the form of credit to the account, unless the account is discontinued, in which case the deposit shall be applied to the final billing and any excess shall be returned to the customer by check.
- b. Deposits for no United States issued identification shall remain on the account until the account is discontinued, or until valid United States issued identification is provided. Return of deposit amounts shall be in the form of a credit to the account, unless the account is discontinued, in which case the deposit shall be applied to the final billing and any excess shall be returned to the customer by check. A non-U.S. Identification deposit will not be required where at least one U.S. Identification exists on the account.

13.04.030 - Bill payment and delinquency.

A. Payment. All bills for the services enumerated in this chapter are due and payable upon receipt thereof, at the Finance Division, Lodi, California, and become delinquent twenty-six (26) days after the issue date of the bill.

B. Delinquency. The Director of Finance shall send notice of delinquent bills, and if all delinquent charges for services are not paid within ten days after mailing this notice, then the Director of Finance may discontinue all service furnished to the customer by the city. Within this ten-day notice period, the Director of Finance shall provide a notice 48 hours prior to discontinuance of services, Prior to any discontinuance of service

furnished to the customer by the city, the customer may request the opportunity to be heard as to any adjustment or cancellation of any bill. The hearing shall be held before the Director of Finance or his designee. In the event of a discontinuance of service, as provided in this subsection, the Director of Finance may require as a condition precedent to the resumption of service that the customer pay:

1. All amounts due and owing;
2. The cost to the city of discontinuing and resuming service; and
3. A deposit in an amount not exceeding the estimated amount of charges *fortwo* months' service.

The Director of Finance may waive delinquent amounts and negotiate a repayment schedule for up to three (3) months (within any twelve-month period) when in the opinion of the Director of Finance the customer can demonstrate financial hardship. No more than two repayment schedules may be allowed in any twelve-month period.

C. Closing Bills. Closing bills are due on the date on which service is discontinued.

D. Late Charges. Delinquent bills shall be assessed a late charge which will be set from time to time by the City Council. The late charge may be waived by the Director of Finance when the customer can present evidence of financial hardship or convincing information that timely payment could not have been reasonably expected.

13.04.040- Connections generally.

No person except a duly authorized employee of the city shall make any water, electrical, or sewer service connection to the city supply lines. Water and sewer tapping includes bringing the supply lines to a point six inches inside the property line. Electrical connection includes the service drop and necessary meter. On all new and reconstructed buildings where water, sewer, and electrical connections are involved, the equipment and equipment locations must be approved by the inspecting authority.

A service charge will be charged to the applicant when trouble calls involve customer caused service interruptions. All costs of water tapping and sewer connections shall be borne by the applicant and shall be charged at actual cost to the city. However, a flat rate may be established by the provisions of Section 13.04.050.

13.04.050- Connection charges.

The Public Works Director may, with the approval of the Director of Finance, establish or change rates charged for water and sewer connections based on the average cost to the city for such connections made within the preceding six-month period.

13.04.060- Apartments and flats.

When more than one flat, apartment, building, or premises is supplied through one water tap, each occupant may pay his own water and sewage bill if flat rates apply. However, if at any time the water is used by an occupant and such fact is not reported to the city, the Director of Finance may require that the owner or the owners' agent-in-charge pay all the water and sewage charges applying to the flats, apartments, buildings, or premises being supplied through one tap.

13.04.070 - Restriction or interruption

The city reserves the right to limit the amount of water supplied to any customer or to different parts of the city should it appear necessary to do so, and shall not be liable for temporary discontinuance of any service while making repairs or replacements.

13.04.080 - Connection or reconnection by plumbers.

No plumber shall leave water turned on at any newly erected building unless it is by consent of the city, nor shall he connect or reconnect any service found shut off at the service stop.

13.04.090 - Right of access for inspection

Authorized employees of the city shall have the right of access to any premises receiving any service named in this chapter at reasonable hours for the purposes of inspection.

13.04.100 - Pipe and facility maintenance

The owner or occupant of premises where city services are supplied shall keep all service pipes, valves, connections or other facilities used in connection with such supply in good repair at all times, and the city shall not be liable for damage sustained by reason of such owner or occupant's neglect.

13.04.110 - Service only to contracted premises.

No person shall supply service to any premises other than the one to which the service contract applies.

13.04.120 - Bill adjustment.

Application for the adjustment or cancellation of a bill any consumer believes to be inconsistent with the provisions of this code or other ordinances of this city relating to water, electric, garbage, and sewage services shall be made to the Director of Finance. Appeal from the decision of the Director of Finance may be made to the City Manager whose decision may, upon request, be subject to a final review by the City Council.

13.04.130 - Low income adjustments

The rates for residential refuse collection service, as they now exist or may hereafter be modified under this chapter, shall be reduced as established by resolution for those residential accounts in the names of persons meeting the eligibility criteria for applicable electric service discounts as provided in this title. Proof of eligibility will be required by the city to qualify for the rate adjustments provided herein.

Section 3 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.


Section 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The

City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 6. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 1st day of February, 2012



JOANNE L. MOUNCE
Mayor

ATTEST:


RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1856 was introduced at a regular meeting of the City Council of the City of Lodi held January 18, 2012, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held February 1, 2012, by the following vote:

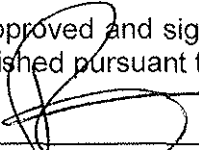
AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Nakanishi,
and Mayor Mounce

NOES: COUNCIL MEMBERS – None


ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1856 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



RANDI JOHL
City Clerk

APPROVED TO FORM:


D. STEPHEN SCHWABAUER
City Attorney